

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
HALB-052First named inventor: William W. ShumwayApplication No.: 10/829,484Art Unit: 1796Filed: April 22, 2004Examiner: FIGUEROA, JOHN J.Title: Polymer-Based, Surfactant-Free Emulsions and Methods of Use Thereof

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☒ Other than small entity-fee \$ 1,620.00 (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response to Office Action (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

11/02/2009 NDLANCO 03030037 10029484

B. The issue fee and publication fee (if applicable) of \$ 01 FC-1453

1620.00 09

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Karen B. Tripp
Signature
Karen B. Tripp
Type or Printed name
P.O. Box 1301
Address
Houston, Texas 77251-1301
Address

October 28, 2009
Date
30,452
Registration Number, If applicable
713-658-9323
Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Return Receipt Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 29, 2009
Date

Karen B. Tripp
Signature

Karen B. Tripp
Typed or printed name of person signing certificate



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
William W. Shumway

Serial No.: **10/829,484**

Filed: **April 22, 2004**

Title: **Polymer-Based, Surfactant-Free
Emulsions and Methods of Use
Thereof**

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Group Art Unit: **1796**

Examiner: **FIGUEROA, JOHN J.**

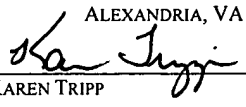
Atty. Docket No.: **HALB:052**

CERTIFICATE OF MAILING VIA EXPRESS MAIL

ATTY DOCKET NO.: HALB:052
GROUP ART UNIT: 1712
EXAMINER: FIGUEROA, JOHN J.

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE
DEPOSITED THIS CORRESPONDENCE WITH THE UNITED STATES
POSTAL SERVICE AS EXPRESS MAIL, POST OFFICE TO ADDRESSEE,
ON THE DATE INDICATED BELOW, ADDRESSED TO:

MAIL STOP PETITION
HONORABLE COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450


KAREN TRIPP

OCT. 29, 2009
DATE

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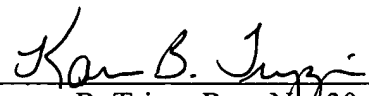
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Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION**

I failed to timely respond to this office action because I first learned of the office action when the Examiner telephoned me, after the deadline to respond, to kindly inquire as to whether a response had been filed. I do not believe I received this office action in the mail. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Respectfully submitted,

Date: October 28, 2009


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